

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN REFINING GROUP, INC.;  
CALUMET MONTANA REFINING,  
LLC; CALUMET SHREVEPORT  
REFINING, LLC; ERGON REFINING,  
INC.; ERGON-WEST VIRGINIA, INC.;  
HUNT REFINING COMPANY; PAR  
HAWAII REFINING, LLC; PLACID  
REFINING COMPANY LLC; REH  
COMPANY; SAN JOAQUIN REFINING  
CO., INC.; U.S. OIL & REFINING  
COMPANY; WYOMING REFINING  
COMPANY; COUNTRYMARK  
REFINING AND LOGISTICS, LLC;  
THE SAN ANTONIO REFINERY LLC;  
WYNNEWOOD REFINING CO., LLC,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

Case No. 23-1243

(consolidated with 23-1177)

**NON-BINDING STATEMENT OF THE ISSUES TO BE RAISED**

Pursuant to this Court's September 1, 2022 Order and Circuit Rule 28, Petitioners American Refining Group, Inc.; Calumet Montana Refining, LLC; Calumet Shreveport Refining, LLC; Ergon Refining, Inc.; Ergon-West Virginia, Inc.; Hunt Refining Company; Par Hawaii Refining, LLC; Placid Refining Company LLC; REH Company; San Joaquin Refining Co., Inc.; U.S. Oil & Refining Company; and Wyoming

Refining Company (together, the “Small Refineries Coalition”); Countrymark Refining and Logistics, LLC; The San Antonio Refinery LLC; and Wynnewood Refining Company, LLC (collectively, “Petitioners”), through undersigned counsel, hereby submit the following non-binding statement of issues to be raised:

1. Whether the United States Environmental Protection Agency acted arbitrarily, capriciously, or in a manner otherwise contrary to law when it promulgated the Final Rule titled “Renewable Fuel Standard (RFS) Program: Standards for 2023–2025 and Other Changes,” 88 Fed. Reg. 44468 (July 12, 2023).

This statement is preliminary. Petitioners reserve the right to modify and amend their issues to be raised.

Dated: September 22, 2023

Respectfully submitted,

s/ Jonathan G. Hardin

Jonathan G. Hardin  
Alexandra Magill Bromer  
PERKINS COIE LLP  
700 13th Street, N.W., Suite 800  
Washington, D.C. 20005-3960  
Telephone: 202.654.6297  
Facsimile: 202.654.6211  
JHardin@perkinscoie.com  
ABromer@perkinscoie.com

Michael R. Huston\*  
Karl J. Worsham  
PERKINS COIE LLP  
2901 N. Central Ave., Suite 2000  
Phoenix, AZ 85102-2788  
Telephone: 602.351.8000  
Facsimile: 602.648.7000  
MHuston@perkinscoie.com  
KWorsham@perkinscoie.com  
\* *Admitted only in Washington,  
D.C.*

*Attorneys for Petitioners*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 22, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system:

Dated: September 22, 2023

*s/ Jonathan G. Hardin*

Jonathan G. Hardin  
PERKINS COIE LLP